

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT

RECEIVED

BETWEEN

THE STATE OF ARIZONA

JAN 15 1980

AND

TRAFFIC ENGR. SECTION
PHOENIX

THE COUNTY OF COCHISE

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Section 11-951 through 11-954, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE" and the COUNTY OF COCHISE, hereinafter called "COUNTY",

WHEREAS, the STATE is empowered by Arizona Revised Statutes Section 28-108 to enter into this AGREEMENT, and

WHEREAS, the COUNTY is empowered by Arizona Revised Statutes Section 11-251 to enter into this AGREEMENT, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this AGREEMENT and has authorized the undersigned as its representative to execute the same on behalf of said COUNTY, and

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the COUNTY. This work shall include but not be limited to the installation of new traffic signals on:

SR 92 at Foothills Drive

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

NO. <u>60.71</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>1-4-80</u>
<i>[Signature]</i>
Secretary of State

Sheet 1

1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals on SR 92 at Foothills Drive.

2. The COUNTY, upon completion of the work, shall reimburse the STATE for twenty-five per cent (25%) of the final construction and engineering cost, not to exceed \$15,000.00 for its share of the cost of this work.

3. This AGREEMENT shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals are complete, in place, and functional.

4. All parties are hereby put on notice that this AGREEMENT is subject to cancellation by the Governor pursuant to Arizona Revised Statutes Section 38-511.

5. This AGREEMENT shall be filed with the Secretary of State and shall become effective on the 1st day of May, 1979, but in no event prior to its being filed with the Secretary of State.

6. Attached to this AGREEMENT and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the COUNTY is authorized under the laws of this State to enter into this AGREEMENT and that it is in proper form.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By: 
Chief Deputy State Engineer

Date: Nov. 15, 1979

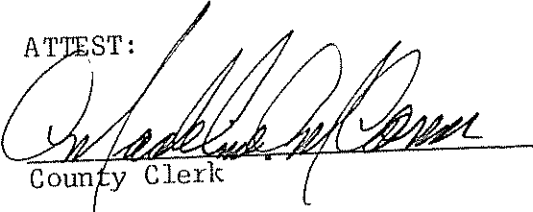
COUNTY OF COCHISE

By: 

Title: Chairman, Board of Supervisors

Date: November 9, 1979

ATTEST:


County Clerk



OFFICE OF THE
Attorney General

1801 WEST JEFFERSON STREET
FOURTH FLOOR
PHOENIX, ARIZONA 85007

ROBERT K. CORBIN
~~XXXXXXXXXXXX~~
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. 79-871 which is an agreement between public agencies has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 18th day of December, 1979.

ROBERT K. CORBIN
Attorney General

James R. Holubauer
Assistant Attorney General

PROCEEDINGS OF THE MEETING OF THE COCHISE COUNTY BOARD OF SUPERVISORS - November 19, 1979

STATE OF ARIZONA)
COUNTY OF COCHISE) ss

This instrument was duly acknowledged before me this 13th day of July, 1979, by Ben F Sanders & Ethel H. Sanders for the purpose and consideration therein contained.

My Commission Expires:
Sept. 7, 1979

Mabel S. Mc Coy (facsimile)
Notary Public

Approved by County Engineer

ACCEPTED
Cochise County Board of Supervisors

Fred M. Hewitt (facsimile)

V. L. Thompson (facsimile)

Fred M. Hewitt, County Engineer, appeared before the Board and stated the Tenneco Realty Development Company has submitted a plat for 40 acre parcels easterly of Herford Road and approximately 2 miles northwesterly of Stark's Overpass on State Route 92 and that the locations of the easements have been reviewed and it is felt that they are adequate for construction of a County standard roadway. He therefore recommended the easements be accepted by the Board with the stipulation that Cochise County will not maintain these easements until they have been laid out, opened and constructed to at least the minimum County standards.

Upon motion made by Supervisor Judith A. Gignac, seconded by Supervisor J. M. Bohmfalk, and unanimously carried, the Board accepted the dedication of easements from Tenneco Realty Development Company for the Herford 40's contingent upon the easements being laid out, opened and constructed to minimum County standards before the County will maintain them.

Fred M. Hewitt, County Engineer, appeared before the Board and explained that on February 26, 1979, the Board accepted the State Land Department's appraisal of \$720.00 per acre for 6.86 acres of State Land required for right-of-way on the easterly 2.2 miles of Dragoon Road. Payment was subsequently made in the amount of \$5,039.20 to the State, including a \$100.00 selling and administration fee. Appraisals on similar vacant, undeveloped land by Baker, Peterson and Associates, Inc, indicated that \$500.00 per acre was the appraised value, based on comparable sales. The State was approached concerning this discrepancy and they agreed that their appraisal may have been too high. However in order to have this matter reconsidered, the County must make another application. Therefore he requested the Board approve the re-application to the State.

Upon motion made by Supervisor J. M. Bohmfalk, seconded by Supervisor Judith A. Gignac, and unanimously carried, the Board approved the application for the purchase of State land for Dragoon Road right-of-way and authorized the Chairman to sign said application.

Fred M. Hewitt, County Engineer, appeared before the Board and stated that the Board had previously approved the Intergovernmental Agreement between the State of Arizona, the City of Sierra Vista, and the County for the installation of a Traffic Signal at the intersection of State Route 92 and Foothills Drive but the State did not approve of the change in the wording and therefore another agreement must now be approved with the appropriated wording that meets the State's requirements.

Upon motion made by Supervisor Judith A. Gignac, seconded by Supervisor J. M. Bohmfalk, and unanimously carried, the Board approved the Intergovernmental agreement for the installation of a Traffic Signal at the intersection of State Route 92 and Foothills Drive and authorized the Chairman to sign the agreement. A copy of this agreement is on file in the office of the Clerk of the Board of Supervisors.

Fred M. Hewitt, County Engineer, appeared before the Board and requested the approval of the second Change Order regarding the addition to the Terminal Building at the Cochise County Airport, Willcox which consists of a revision in the electrical service to the hangar mobile home and well, insulation and sheetrock to main lobby of existing building and three new lighting fixtures in Room #2, Radio Room. The three changes amount to an increase in the contract amount of \$1,527.05.

Upon motion made by Supervisor J. M. Bohmfalk, seconded by Supervisor Judith A. Gignac, and unanimously carried, the Board approved the Change Order #2 for the Addition to the Terminal Building at the Cochise County Airport in Willcox in the amount of \$1,527.05 and authorized the Chairman to sign said document. A copy of this Change Order is on file in the office of the Clerk of the Board of Supervisors.

Fred M. Hewitt, County Engineer, appeared before the Board and stated the Board, at their meeting held on November 5, 1979, authorized him to negotiate a contract with Architecture One for the furnishing of schematic drawings on the Law Enforcement and Detention facility. Architecture One has submitted a proposal to the County and are prepared to develop these drawings for a cost estimated at \$53,170. This cost represents .043% of the construction cost estimated at \$12,620,000. He therefore requested the Board approve the agreement, contingent upon the approval as to form by the County Attorney's Office when the document is completed, and authorized the Chairman to sign said document at that time.

Upon motion made by Supervisor Judith A. Gignac, seconded by Supervisor J. M. Bohmfalk, and unanimously carried, the Board approved the agreement with Architecture One for the schematic drawings to be furnished for the Law Enforcement and Detention facility in the amount of \$53,170 and authorized the Chairman to sign said agreement contingent upon the approval as to form by the County Attorney's office, and upon the completion of said document.

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 COUNTY OF COCHISE) ss

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Upon motion made by Supervisor Judith A. Gignac, seconded by Supervisor J. M. Bohmfalk, and unanimously carried, the Board approved the agreement with Architecture One for the schematic drawings to be furnished for the Law Enforcement and Detention facility in the amount of \$53,170 and authorized the Chairman to sign said agreement and upon the approval as to form by the County Attorney's office, and upon the

PROCEEDINGS OF THE MEETING OF THE COCHISE COUNTY BOARD OF SUPERVISORS - July 9, 1979

The matter of the Lease Agreement for Service Station Sub-lease for the Cochise County Sheriff's Department remained on the table.

The matter of the acquisition of right-of-way for Dragoon Road remained on the table.

Upon motion made by Supervisor V. L. Thompson, seconded by Supervisor J. M. Bohmfalk, and unanimously carried, the Board approved jail agreement between the City of Wilcox and the County of Cochise, which provides for housing, maintenance, and information services to be exchanged between the parties at a daily rate of \$13.00 for the initial detention period and \$10.00 for each subsequent detention period, for the Fiscal Year 1979-1980.

Upon motion made by Supervisor V. L. Thompson, seconded by Supervisor J. M. Bohmfalk, and unanimously carried, the Board tabled the matter of adoption of Resolution No. 79-22, which would set per diem rates for inpatient indigent medical care in Cochise County, until further information could be obtained from Ron Maxwell, Health Services Administrator regarding his recommendation.

Upon motion made by Supervisor V. L. Thompson, seconded by Supervisor J. M. Bohmfalk, and unanimously carried, the Board approved Minutes of the Board of Supervisors meeting held on June 25, 1979, as corrected.

There was no action taken on adoption of the Tentative Budget for Cochise County for Fiscal Year 1979-1980.

Fred M. Hewitt, County Engineer, appeared before the Board and requested they approve construction agreement and maintenance agreement for the traffic signals on Foothills Drive and State Route 92, and authorize the Chairman to sign both agreements.

Upon motion made by Supervisor V. L. Thompson, seconded by Supervisor J. M. Bohmfalk, and unanimously carried, the Board approved the subject agreements, contingent upon changes made by the County Attorney on page one of each agreement, paragraph four, defining the perimeters of the liability of the agreements. The Board objected to the language, "This work shall include but not be limited to."

Fred M. Hewitt, County Engineer, appeared before the Board and requested approval of release of funds from Trust No. 99841, Continental Service Corporation, for work completed at Hodgkin Acres Subdivision, as follows: \$5,450.77 to Cochise Sand and Rock and \$1,278.00 to Clarence S. Wilcox, and that the Chairman be authorized to sign the Trust Instructions. He stated that the improvements on this subdivision have been completed in accordance with the drawings and specifications, and verified by field inspection.

Upon motion made by Supervisor V. L. Thompson, seconded by Supervisor J. M. Bohmfalk, and unanimously carried, the Board approved release of the foregoing trust funds, and authorized the Chairman to sign the Trust Instructions.

Upon motion made by Supervisor J. M. Bohmfalk, seconded by Supervisor V. L. Thompson, and unanimously carried, the Board authorized the County Treasurer, Louise Peters, to make changes in Tax Roll Resolution Nos. 397 through 400, all being clerical errors. These Tax Roll changes are on file in the office of the Clerk of the Board of Supervisors.

Upon motion made by Supervisor V. L. Thompson, seconded by Supervisor J. M. Bohmfalk, and unanimously carried, the Board approved the Minutes of the Joint Conference meeting held at Cochise County Hospital on March 21, 1979.

Ies Rosenbaum, President of the Whetstone Water Co-operative, appeared before the Board and requested they appoint David Iitchard as Fire Chief to replace Henry Funston, who has previously resigned. The Board took Mr. Rosenbaum's request under consideration and no action was taken at this time.

Upon motion made by Supervisor J. M. Bohmfalk, seconded by Supervisor V. L. Thompson, and unanimously carried, the Board approved the following personnel actions for Cochise County and Cochise County Hospital:

COCHISE COUNTY

APPOINTMENTS:

John Y. Cordell, Ambulance Driver/Attendant II, effective July 1, 1979 (Benson)
 Richard A. Hyatt, Ambulance Driver/Attendant II, effective July 1, 1979 (Benson)
 Billy S. Pierce, Ambulance Driver/Attendant III, effective July 1, 1979 (Benson)
 Cirado A. Nachain, Ambulance Driver/Attendant I, effective July 1, 1979 (Bisbee)
 Leslie A. Wheat, Ambulance Driver/Attendant II, effective July 1, 1979 (Bisbee)
 George E. Roberts, Ambulance Driver/Attendant II, effective July 1, 1979, (Benson)
 Joseph Figueroa, Ambulance Driver/Attendant II, effective July 1, 1979 (Bisbee)
 John P. Bednorz, Ambulance Driver/Attendant II, effective July 1, 1979 (Bisbee)
 Daryl Caudill, County Ambulance Supervisor IV, effective July 1, 1979 (Bisbee)
 William Winkler, Universal Operator, effective July 1, 1979
 Donald Keith Lopez, Deputy Sheriff, effective July 1, 1979

VACATION RELIEF:

Mary Lou Swackhamer, temporary employment, Justice Court #3, effective July 6, 1979

EXHIBIT "B"

(~~For~~ Construction Agreement)

A F F I D A V I T

STATE OF ARIZONA)
) ss:
County of Cochise)

JODY N. KLEIN, being first duly sworn, deposes and
says:

That he is a duly appointed, qualified and acting
Deputy County Attorney of the County of Cochise, State of
Arizona;

That he has read the Construction Intergovernmental
Agreement between the State of Arizona and the County of Cochise,
(SR 92 at Foothills Drive).

That the County of Cochise is authorized pursuant
to A.R.S. §11-251 to enter into this Agreement;

That the Agreement is in proper form and meets
applicable legal requirements.

Further Affiant saith not.

Jody N. Klein
JODY N. KLEIN

SUBSCRIBED AND SWORN to before me this 19th day of

April, 1979.